

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TANIYHA S. BROWN,

Plaintiff,

-against-

HIGHWAY TRANSPORT CHEMICAL, LLC and
CHRISTOPH CARDEA,

Defendants.
-----X

Docket No.:

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that defendants, HIGHWAY TRANSPORT CHEMICAL, LLC and CHRISTOPH CARDEA, hereby removes this action to the United States District Court for the Southern District of New York, pursuant to 28 U.S.C. § 1441 and § 1332.

1. This action was commenced against HIGHWAY TRANSPORT CHEMICAL, LLC and CHRISTOPH CARDEA, in the Supreme Court of the State of New York, County of Bronx, by the filing of a Summons and Verified Complaint with the Clerk of the Court on or about September 15, 2020.

2. Upon information and belief and pursuant to the averments in the Summons and Verified Complaint, plaintiff is a permanent resident of the County of Westchester and, therefore, is domiciled in and a citizen of the State of New York.

3. At the time of service of the Summons and Verified Complaint, HIGHWAY TRANSPORT CHEMICAL, LLC was a Tennessee limited liability company, whose principal place of business is in Knoxville, Tennessee, with its sole member, Highway Transport Logistics, Inc., a Tennessee corporation with its principal place of business in Knoxville Tennessee. Therefore, HIGHWAY TRANSPORT CHEMICAL, LLC, is a citizen of the State of Tennessee.

4. At the time of service of the Summons and Verified Complaint, CHRISTOPH CARDEA was a permanent resident of Roebling, New Jersey, County of Burlington, and therefore, is domiciled in and a citizen of, the State of New Jersey.

5. Therefore, the action is between citizens of different states as defined by 28 U.S.C. § 1332(a)(1).

6. The Complaint seeks damages for personal injury due to the alleged negligence of Defendants, CHRISTOPH CARDEA and HIGHWAY TRANSPORT CHEMICAL, LLC, in excess of the jurisdictional limitations of all lower Courts in the State of New York which would otherwise have jurisdiction and upon information and belief, the matter in dispute exceeds the sum of seventy-five thousand dollars exclusive of interest and costs.

7. This cause of action is one over which this Court has original jurisdiction pursuant to 28 U.S.C. §1332, in that the amount in controversy, upon information and belief, exceeds \$75,000 exclusive of interest and costs, and that it is between citizens of different states. By virtue of 28 U.S.C. §1441(a), this cause of action is removable to this Court.

8. Defendant HIGHWAY TRANSPORT CHEMICAL, LLC was purportedly served with a copy of the initial pleading setting forth the claim upon which this action is based on or about September 28, 2020.

9. Defendant CHRISTOPH CARDEA was purportedly served with a copy of the initial pleading setting forth the claim upon which this action is based on or about September 22, 2020.

10. In accordance with 28 U.S.C. § 1446(b), this Notice of Removal is filed within 30 days after receipt by the defendant of a copy of the initial pleading.

11. Based upon the facts set forth above, this Notice of Removal is timely under 28 U.S.C. § 1446(b).

12. Pursuant to 28 U.S.C. 1446(a), copies of the Summons and Verified Complaint, which constitute all process, pleadings or orders served or filed by the parties in the Supreme Court of the State of New York, are attached hereto as **Exhibit "A"** and made a part of this Notice by reference.

13. HIGHWAY TRANSPORT CHEMICAL, LLC and CHRISTOPH CARDEA will pay all costs and disbursements by reason of this removal proceeding should it be determined that this case is not removable or is improperly removed.

14. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

WHEREFORE, and without waiver of any substantial or procedural defenses, HIGHWAY TRANSPORT CHEMICAL, LLC and CHRISTOPH CARDEA request that this Court assume jurisdiction over this action and make such further orders herein as may be required to properly determine its controversy.

Dated: New York, New York
October 16, 2020

Respectfully submitted,

RUTHERFORD & CHRISTIE, LLP

By: 

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